IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

MFA.No. 1042 of 1995()

OPMV.1250/1990 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THALASSERY
.....

APPELLANT:

NAZEEMA,AGED 6 YEARS,
REP. BY MOTHER JAMEELA, W/O.USSAIN,
VALIYA VEETIL HOUSE, P.O. ULIYIL,
VIA. MATTANNUR, CANNANORE DIST.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS:

1.R.SUJEENDRAN,S/O.RAGHAVAN,
ERAYI HOUSE, DRIVER OF JEEP KLN 4434,
KUNNOOKKARA, P.O. THANA, KANNUR DIST.

2.THE CHAIRMAN, K.S.E.B., TRIVANDRUM,
OWNER OF JEEP KLN 4434.

3.M/S.NEW INDIA ASSURANCE CO. LTD.,M.G.ROAD,
THALASSERY.

BY ADV. SRI.A.SUDHI VASUDEVAN, SC, KSEB FOR R2

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.1042 OF 1995 (F)
&
C.M.P.NO.3651 OF 1995

Dated this the 1st day of June, 2007

J U D G M E N T

KOSHY,J.

This appeal is filed in 1995 with a delay condonation petition of 742 days. So far defects are not cured. Apart from the above, the averments show that at the age of six the claimant met with an accident and as a result of which there was a fracture to the right leg and her tooth was also affected. 10% disability was certified by the Medical Board and the accident occurred in 1990. Total compensation awarded for 10% disability for a six year minor child by the Tribunal was Rs.47,500/- with 12% interest from the date of petition, that is, 12.10.1990 till deposit by award dated 29.5.1993. Considering the nature of injuries, age of the appellant, percentage of disability etc. we are of the opinion that just and reasonable

compensation was awarded. In any event, the reason for long delay is not explained. Hence both delay condonation petition as well as appeal are dismissed.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.1042 OF 1995 (F)
&
C.M.P.NO.3651 OF 1995

J U D G M E N T

1st June, 2007